SUPREME COURT, U. S.

Office-Supreme Court, U.S.
FILED
NOV 5 1968
JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

October Term, 1968

No. 132

YUEN KAM CHUEN and NG SUI SANG

Petitioners,

against

P. A. ESPERDY, as District Director of the Immigration and Naturalization Service for the District of New York,

Respondent.

PETITION FOR REHEARING

ABRAHAM LEBENKOFF,
JULES E. COVEN,
Attorneys for Petitioners;
One East 42nd Street,
New York, N. Y. 10017.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1968

No. 132

YUEN KAM CHUEN and NG SUI SANG,

Petitioners,

against

P. A. ESPERDY, as District Director of the Immigration and Naturalization Service for the District of New York,

Defendant.

PETITION FOR REHEARING

Why Rehearing and Certiorari Should Be Granted

On October 14, 1968 this Court denied the petition for certiorari in this matter. On October 21, 1968 the Court granted certiorari in the case of *Stanisic* v. *I. N. S.*, 393 F. 2d 539.

The writer is of the opinion that the *Stanisic* and *Yuen Kam Chuen, et ano* matters are related and involve similar questions of fact and law. The aliens in both actions are paroled seamen who entered the United States pursuant to 212(d)(5) of the Immigration and Nationality Act. In the *Yuen Kam Chuen, et ano* case the petitioners sought an interpretation of 8 U. S. C. 1284(c) Section 254(c) of the Immigration and Nationality Act. In the *Stanisic* case, in discussing Section 254(c), the Court stated on page 546 that "The Attorney General is not given general authority to deport the alien crewmen by any available means." This ruling appears to be in direct conflict with the interpretation

of the United States Court of Appeals for the Second Circuit in the *Yuen Kam Chuen, et ano* matter where the Court held that the Attorney General could deport paroled alien crewmen by any available means.

In view of the foregoing, it is the opinion of the undersigned that, since certiorari was granted in *Stanisic* v. *I. N. S.* and denied in *Yuen Kam Chuen and Ng Sui Sang* v. *P. A. Esperdy*, a substantial injustice was done the petitioners in the instant case.

WHEREFORE, it is respectfully requested that the petition for rehearing be granted and a petition for a writ of certiorari issue to the United States Court of Appeals for the Second Circuit.

Dated: New York, New York
November 1st, 1968.

Respectfully submitted,

ABRAHAM LEBENKOFF,
JULES E. COVEN,
Attorneys for Petitioners,
One East 42nd Street,
New York, N. Y. 10017.

Certificate

I hereby certify that this petition is presented in good faith and not for delay and I further certify that copies of this petition have been served on opposing counsel by depositing same in the United States mail on this the 1st day of November, 1968.

JULES E. COVEN